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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,814	09/17/2003	George Mendoza	5962-4	6621
29941	7590	09/17/2004	EXAMINER	
GLENN C. BROWN, PC 777 NW WALL STREET, SUITE 308 BEND, OR 97701			GRILES, BETHANY L	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,814

Applicant(s)

MENDOZA ET AL.

Examiner

Bethany L. Griles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 8 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 –5, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood how the operable member frictionally engages the operable member.

Claims 3-5 are rejected as being dependent on a rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 9-19, 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sterling US 70,913.

Regarding claims 1 and 14, Sterling discloses a fish hook comprising: a shank A having a first end d and a second pointed end (tip of element B); an operable member a having a base and a pointed pivoting member b. mounted on the base a, the pointed member operable between a first retracted position (figure 1) and a second extended position (figure 3); the base a having surfaces defining a channel and the shank A -

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received in the channel; and d. the pointed member operable from the first position to the second position responsive to engagement of the fish hook with a mouth of a fish.

Regarding claims 2 and 13, as best understood, and claim 3, Sterling discloses a fish hook according to claim 1 wherein the operable member further comprises at least one surface frictionally engaging the operable member (element a slides up and down the shank A in a frictional manner).

Regarding claims 4, 15, 16 Sterling discloses a fish hook according to claim 3 wherein the at least one extending member includes at least two spaced apart tabs (refer to top and bottom portions of element a).

Regarding claims 5 and 17, Sterling discloses the fish hook according to claim 3 wherein the operable member is pivotably mounted in at least one of the at least one member extending from the base (element a can pivot about shank A).

Regarding claims 6 and 18, Sterling discloses a fish hook according to claim 1 further comprising the pointed member having a pointed distal end angled away from the shank (refer to structure depicted in figure 2).

Regarding claims 7 and 19, Sterling discloses the fish hook according to claim 1 wherein the channel (within element a) is a rounded channel resiliently clamping the shank.

Regarding claims 9 and 21, Sterling discloses the fish hook according to claim 1 further comprising the pointed member having a plurality of sharpened points B.

Regarding claims 10 and 11, 22 and 23, Sterling discloses the fish hook according to claim 1 further comprising an over center surface (interior of element a)

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that resists movement of the pivoting member from the extended position (figure 3) to the retracted position (figure 1).

Regarding claims 12 and 24, Sterling discloses the at least one surface frictionally engaging the pivoting member includes surfaces defining a slot (the hole through element a) in communication with the channel.

Allowable Subject Matter

Claims 8 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gallardo US2668387; Wentz US2608791; Matthes US2710481; Rimbach US2908990; Low US3027677; McCloud US3905149; Rye US4557065; Maitland US6038806; Burczynski US6739085.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

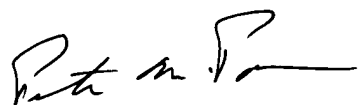
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bethany L. Griles
Examiner
Art Unit 3643

blg


Peter M. Poon
Supervisory Patent Examiner
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9/15/07